

# 21st Century Internet Act

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There is little doubt that the Internet is a major driver of this nation's economic success and increased quality of life. Today, consumers expect unrestricted access to all, lawful online content and businesses need access to the online marketplace free of market-distorting barriers. Unfortunately, the Federal Communications Commission (FCC) has failed to provide the regulatory certainty that our economy needs by endlessly reclassifying broadband access between Titles One and Two under the Telecommunications Act. Rep. Mike Coffman of Colorado believes it is time to end the confusion once and for all by establishing a new title for broadband to ensure the FCC follows standards set by the duly elected Representatives in Congress. Coffman's 21st Century Internet Act enshrines into law the "four corners of net neutrality" along with strong protections for those accessing and doing business online. The bill establishes *Title VIII – Broadband Internet Access Service* and includes the following provisions:

## **Net Neutrality**

- Internet Service Providers (ISPs) may not block or throttle online content or services.
- ISPs may not engage in paid prioritization arrangements.
- Utilization of Content Delivery Networks shall not be considered a form of prioritization.
- Specialized services (dedicated network access for businesses) are unaffected, but such services may not be used to evade the net neutrality protections.
- The FCC shall have oversight of interconnection – the "traffic

exchange" points between long-haul, backbone providers and the "last mile" service provided by ISPs.

- ISPs may not charge access fees to edge providers to avoid blocking or throttling.
- ISPs may engage in reasonable network management activities to ensure traffic flows effectively across their portion of the network.

## **Transparency**

- ISP's are required to publicly disclose their network management practices, performance, and commercial terms of service. Competitively sensitive information

and security details are exempt from disclosure, but are subject to review by the FCC.

## **Consumer Protections**

- Since the FCC's mandate is to regulate all wired and wireless communications, the FCC shall have jurisdiction over broadband internet access services.
- ISPs may not interfere or disadvantage internet conduct by end users and/or edge providers. This provision, also known as the "general conduct standard" from the FCC's 2015 Open Internet order, ensures that any actions by ISPs that are not sufficiently addressed by the bill's net neutrality provisions, but would harm broader open internet principles, are covered. This standard mirrors former FCC Chairman Michael Powell's "Four Internet Freedoms" from 2004.
- ISPs are barred from engaging in unfair or deceptive acts or practices and the FCC may investigate such behavior.
- Ensures that both broadband equipment and services are accessible to and usable by individuals with disabilities.
- The FCC shall enforce the obligations of the bill through the adjudication of complaints and rulemaking under existing FCC authority.

## **ISP Provisions**

- ISPs are eligible to receive universal service funds and the FCC may require such providers to also contribute to the fund.
- The bill makes no changes to ISPs' obligations or authorizations to address emergency communications, law enforcement, public safety or national security.
- The FCC may not prescribe the rate that an ISP may charge.
- To ensure certainty in the market, the FCC may not forebear from the provisions of the bill.

## **Who Benefits?**

### ***Consumers***

- Strong protections that allow them to access all, lawful online content.
- Effective enforcement from the FCC.
- Transparent access to terms of service.

### ***Businesses***

- Are not disadvantaged in reaching their customers.
- Startups can effectively compete in the marketplace.

### ***Broadband Internet Access Providers***

- Can rely on the simplicity of a national standard for broadband regulation.
- Not subject to Title Two, nor rate regulation.